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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,036	10/31/2003	Andrew John Bradfield	SOM920030008US1	1193

59559 7590 01/08/2007  
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LOCUST VALLEY, NY 11560

EXAMINER
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ALI, OMAR R

ART UNIT	PAPER NUMBER
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2112

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/699,036

**Applicant(s)**

BRADFELD ET AL.

**Examiner**

Omar Abdul-Ali

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20031114</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to the original filing of October 31, 2003. Claims 1-20 are pending and have been considered below.

#### ***Specification***

1. The disclosure is objected to because of the following informalities: the examiner notes the use of the acronyms ROM and RAM throughout the specification without first including a description in plain text, as required.

Appropriate correction is required.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 203. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-8, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart et al. (2002/0152110).

Claims 1, 17, and 19: Stewart discloses a method, apparatus, and program for collecting market research information through Web-based surveys comprising:

- a. obtaining information from the information source (page 3, paragraph [0040]);
- b. preventing a user from interacting with a displayed first portion of received information until after a second portion of the received information is sufficiently loaded (page 4, paragraph [0051]).

Claim 2: Stewart discloses a method for collecting market research information through Web-based surveys as in Claim 1 above, further comprising:

- a. the first portion at least partially depending on the second portion (page 4, paragraph [0051]).

Claim 4: Stewart discloses a method for collecting market research information through Web-based surveys as in Claim 1 above, further comprising:

- a. the preventing step further comprising rendering the first portion inactive until the second portion is sufficiently loaded (page 4, paragraph [0051]).

Claim 5: Stewart discloses a method for collecting market research information through Web-based surveys as in Claim 1 above, further comprising:

- a. the second portion being sufficiently loaded when it is fully loaded (page 4, paragraph [0051]).

Claim 6: Stewart discloses a method for collecting market research information through Web-based surveys as in Claim 1 above, further comprising:

- a. the browser implemented on a client computer system (page 3, paragraph [0040]).

Claim 7: Stewart discloses a method for collecting market research information through Web-based surveys as in Claim 1 above, further comprising:

- a. the browser comprises a web browser (page 3, paragraph [0040]).

Claim 8: Stewart discloses a method for collecting market research information through Web-based surveys as in Claim 1 above, further comprising:

- a. the information source comprises at least one server computer system (page 3, paragraph [0040]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. (2002/0152110).

Claim 3: Stewart discloses a method for collecting market research information through Web-based surveys as in Claim 1 above, but does not explicitly disclose that the step preventing the user from interacting with the displayed first portion of the received information further comprises instructing a user to wait to interact with the first portion until the second portion is sufficiently loaded. However, Stewart does disclose that the application overlays a layer over the Web page that is loading the graphic until the graphics on the underlying page have finished loading (page 4, paragraph [0051]). It would have been obvious to one having ordinary skill in the art at the time the invention was made that the overlying layer could contain a message instructing the user to wait to interact with the first portion until the second portion of the page is sufficiently loaded.

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One would have been motivated to include a message instructing the user to wait in order to prevent the user from answering the survey question before viewing the graphic on the page.

7. Claims 9-16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. (2002/0152110) in view of Mikhailov et al. (US 2003/0018714).

Claims 9, 18, and 20: Stewart discloses a method, apparatus, and program for collecting market research information through Web-based surveys further comprising obtaining information from the information source in accordance with an application (page 3, paragraph [0040]), but does not explicitly disclose preserving user data provided in accordance with a user while interacting with a first portion of the application before loading a second portion of the application requested by the user. Mikhailov discloses a proactive browser system that further discloses preserving user modifications of frames before displaying a second requested frame (page 3, paragraphs [0017-0018]). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to preserve data entered into a first frame in Stewart before loading a second frame. One would have been motivated to preserve the modifications of a frame in order to continue working from their last saved point.

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Claim 10: Stewart and Mikhailov disclose a method for collecting market research information through Web-based surveys as in claim 9 above, and Stewart further discloses the preserving step further comprises storing user provided data in a hidden frame (page 3, paragraph [0046]).

Claim 11: Stewart and Mikhailov disclose a method for collecting market research information through Web-based surveys as in claim 9 above, and Mikhailov further discloses retrieving the preserved data when the user returns to the first portion of the application (page 3, paragraph [0018]). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to retrieve the user date provided in Stewart when returning to the first portion of the application. One would have been motivated to retrieve the data entered by the user in order to continue working from the last saved point.

Claim 12: Stewart and Mikhailov disclose a method for collecting market research information through Web-based surveys as in claim 9 above. While neither reference explicitly disclosed the preserving step is performed when the first portion of the application is sufficiently loaded, it would have been obvious to one having ordinary skill in the art to do so. One would have been motivated to preserve the data entered when the first portion is sufficiently loaded in order to eliminate the chance of losing the information when attempting to load another page.



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Claim 13: Stewart and Mikhailov disclose a method for collecting market research information through Web-based surveys as in claim 9 above. While neither reference explicitly disclosed the first portion of the application is sufficiently loaded when it is fully loaded, it would have been obvious to one having ordinary skill in the art to prefer this. One would have been motivated to fully load the first portion of the application in order to eliminate the chance of losing the information when attempting to load another page.

Claim 14: Stewart and Mikhailov disclose a method for collecting market research information through Web-based surveys as in claim 9 above, and Stewart further discloses the browser is implemented on client computer systems (page 3, paragraph [0040]).

Claim 15: Stewart and Mikhailov disclose a method for collecting market research information through Web-based surveys as in claim 9 above, and Stewart further discloses the browser comprises a web browser (page 3, paragraph [0040]).

Claim 16: Stewart and Mikhailov disclose a method for collecting market research information through Web-based surveys as in claim 9 above, and Stewart further discloses the information source comprises at least one server computer system (page 3, paragraph [0040]).

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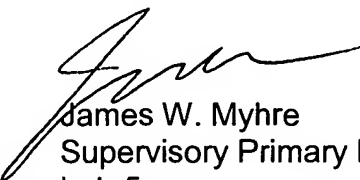
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA  
12/19/06

  
James W. Myhre  
Supervisory Primary Examiner  
Lab-5